

REMARKS/ARGUMENTS

Claims 1-6, 8-20 and 22-23 remain in this application. Claims 1-5, 8-12, 15-20 and 22-23 were rejected and claims 6, 13, and 14 were withdrawn from consideration.

Rejections Under 35 USC 102

Claims 1, 3-4, 8-12, 15-20 were rejected under 35 USC 102(b) as being anticipated by Percel et al. (US 6,451,345 B1). See Pages 2-4 of the Office Action. According to the Office Action, “Percel teaches taste masked microcapsules of Linezolid, which can be tabulated into a fast disintegrating tablet or chewable forms. . . .The type of HPMC used in a tablet formulation in the examples of Percel was HPMC K4M, defined by the applicants within their specification as a suitable HPMC for use in their own dosage form. See example 7.” Applicants respectfully disagree.

While Percel does disclose the use of HPMC K4M in a dosage form in example 7, it fails to disclose the use of such a polymer in a chewable or orally disintegrating dosage form. Rather, as stated in Example 7 of Percel is “a controlled release tablet formulation . . . [having an] extended release profile.” The chewable or orally disintegrating dosage forms of Percel (e.g., Example 4-6) do not contain this polymer, nor does Percel teach or suggest the use of such a polymer in a chewable or orally disintegrating dosage form.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

Rejections Under 35 USC 103

I

Claims 1, 3-5, 8-12, 15-20 and 22-23 were rejected under 35 USC 103(a) as being unpatentable over McTeigue et al. (US 2002/0031552 A1) in view of Percel et al. (US 6,451,345 B1). See Pages 4-5 of the Office Action. Applicants respectfully disagree. As stated above, Percel fails to teach or suggest the use of a hydroxyalkylcellulose having a weight average molecular weight of from about 60,000 to about 5,000,000 and/or a viscosity of from about 3,000 mPa.S to about 150,000 mPa.s in a 2% aqueous solution in a chewable or orally disintegrating dosage form. As noted on the sentence bridging page 4 and 5 of the Office Action, McTeigue also fails to make such teaching or suggestion. Accordingly, Applicants respectfully request that this rejection be withdrawn.

II

Claims 1-4, 8-12 and 15-20 are rejected under 35 USC 103(a) as being unpatentable over Percel et al. (US 6,451,345 B1) in view of Urquhart et al (US 4,851,232). See Pages 5-7 of the Office Action. As stated above, Percel fails to teach or suggest the use of a hydroxyalkylcellulose having a weight average molecular weight of from about 60,000 to about 5,000,000 and/or a viscosity of from about 3,000 mPa.S to about 150,000 mPa.s in a 2% aqueous solution in a chewable or orally disintegrating dosage form. Urquhart, which relates to drug delivery devices for controlled delivery of drugs, also fails to make such teaching or suggestion. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Accordingly, Applicants assert that the presently claimed invention would not have been obvious to a person of ordinary skill in the art at the time of the claims invention was made in light of these references. Thus, Applicants respectfully request that this rejection under 35 USC 103(a) be withdrawn.

Conclusion

For the foregoing reasons, the present application is in condition for allowance. Accordingly, favorable reconsideration of the amended claims in light of the above remarks and an early Notice of Allowance are courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned Attorney at the below-listed number.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/MCP-5014/WEM.

Respectfully submitted,

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